

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION

OTIS JACKSON, JR.,)
Plaintiff,)
v.)
WMC MORTGAGE CORPORATION, et) No. 2:12-cv-02914-JPM-cgc
al.)
Defendants.)

ORDER ADOPTING THE REPORT AND RECOMMENDATION; DENYING PLAINTIFF'S MOTION FOR LEAVE TO AMEND COMPLAINT; DENYING PLAINTIFF'S MOTION FOR LEAVE TO FILE SECOND AMENDED COMPLAINT AND SUPPLEMENTAL COMPLAINT; AND GRANTING MOTION FOR SUMMARY JUDGMENT SUBMITTED BY WELLS FARGO AND MERS

Before the Court is the Magistrate Judge's "Report and Recommendation on Wells Fargo and MERS' Motion for Summary Judgment, Plaintiff's Motion for Leave to Amend Complaint, and Plaintiff's Motion for Leave to File Second Amended Complaint and Supplemental Complaint" (the "Report and Recommendation"), filed September 18, 2013. (ECF No. 38.) In the Report and Recommendation, the Magistrate Judge recommends that Plaintiff's Motion for Leave to Amend Complaint, filed February 11, 2013 (ECF No. 19), and Plaintiff's Motion for Leave to File Second Amended Complaint and Supplemental Complaint, filed August 14, 2013 (ECF No. 34), be denied. (ECF No. 38 at 25.) The Magistrate further recommends that the Motion for Summary Judgment, filed December 18, 2012 (ECF No. 8), by Wells Fargo

Home Mortgage and America's Servicing Company (collectively, "Wells Fargo"), and Mortgage Electronic Registration Systems, Inc. ("MERS"), be granted. (ECF No. 38 at 25.) Pursuant to Federal Rule of Civil Procedure 72(b)(2), "[w]ithin 14 days after being served with a copy of the recommended disposition, a party may serve and file specific written objections to the proposed findings and recommendations."

Fed. R. Civ. P. 72(b)(2). No objections to the Report and Recommendation have been filed, and the time for filing objections expired on Wednesday, October 2, 2013. See Fed. R. Civ. P. 5(b)(2), 6(d), 72(b)(2).

"When no timely objection is filed, the court need only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation."

Fed. R. Civ. P. 72(b) advisory committee notes. On clear-error review of the Magistrate Judge's Report and Recommendation, the Court hereby ADOPTS the Report and Recommendation (ECF No. 38) in its entirety.

Accordingly, Plaintiff's Motion for Leave to Amend Complaint (ECF No. 19) and Plaintiff's Motion for Leave to File Second Amended Complaint and Supplemental Complaint (ECF No. 34)

are DENIED. Furthermore, the Motion for Summary Judgment (ECF No. 8) submitted by Wells Fargo and MERS is GRANTED.¹

IT IS SO ORDERED, this 8th day of October, 2013.

/s/ Jon P. McCalla

JON P. McCALLA

U.S. DISTRICT COURT JUDGE

¹ Following the entry of this Order, the remaining defendants in this matter are WMC Mortgage Corporation and Arnold M. Weiss.